

EXHIBIT C

Subject: RE: Peeler briefing inquiry
Date: Sunday, July 10, 2022 at 12:39:52 PM Eastern Daylight Time
From: Campbell, James M.
To: Leslie Calhoun, Corey Stern, Erickson, Philip
CC: Moshe S. Maimon, Melanie Daly, Mason, Wayne B., Kent, David C., Daniel L. Stein - Mayer Brown LLP (dstein@mayerbrown.com), Dupre, Kristin M., Devine, Alaina N., Christian, Marcus A., Ter Molen, Mark
Attachments: image002.jpg, image003.png, image004.jpg, image005.jpg

Dear Ms. Calhoun,

As an initial matter, VNA's notice of non-party at fault, ECF No. 324 in Walters (attached here) specifically alleges negligence against Mr. Peeler before April 1, 2015. Ms. Peeler was a public health official with MDHHS and her duties and responsibilities explicitly included monitoring and reporting on the public health hazards related to lead. Her conduct is relevant to the NPAF case against Ms. Peeler herself and against MDHHS. In particular, pages 166-168 of the notice which pertain to Ms. Peeler (Director of the Childhood Lead Poisoning Prevention Program or CLPPP) allege that "[p]rior to July 2015, MDHHS had the necessary data to analyze the issue of elevated blood lead levels but failed to do so. CLPPP's 2014 Annual Report showed that the percentage of tested Flint children under age 6 with an Elevated Blood Lead level increased from 3.6% in 2013 to 4.5% in 2014. MDHHS failed to initiate the appropriate investigation and inquiry into that increase." The notice goes on to state that "Ms. Peeler, who is not an epidemiologist herself, finally in late July 2015 assigned MDHHS' epidemiologists to evaluate any increase in child blood lead levels in the summer of 2014 that may be attributable to the change in drinking water from Lake Huron to the Flint River." In short, VNA alleges in the NPAF notice that prior to July 2015, and prior to April 1, 2015, Ms. Peeler had the necessary information to investigate blood lead levels in children in Flint from the time of the switch to the Flint River and failed to do so.

In addition, Plaintiffs' Amended Master Long Form Complaint (ECF No. 186), which was adopted in full by the four bellwether plaintiffs, cites to additional facts that allege negligence against MDHHS and their lead program (of which Ms. Peeler was the director) prior to April 1, 2015, including that "in late 2014 or early 2015 a study by MDHHS was published that showed a dramatic spike in elevated blood lead levels in Flint's youngest children. The testing occurred in the Third Quarter of 2014." (para. 313). In addition, "by late 2014 or early 2015, Lyon was aware from MDHHS data that there was a dramatic increase in the percentage of Flint children with elevated blood lead level readings from blood drawn during the second and third quarters of 2014." (para 199). The complaint further alleges that despite her agency's knowledge of this fact in late 2014 or early 2015, Ms. Peeler specifically, in July 2015, finally concluded that there was no connection to elevated blood levels and Flint drinking water, despite clear evidence to the contrary. (para 201 & fn. 22).

Finally, VNA would respectfully state that the evidence put forth by the plaintiffs to the jury against VNA is that the plaintiffs were exposed to lead-tainted water every day throughout the crisis until October 2015 when Flint returned to DWSD. The evidence now before the jury with the testimony of Mr. Del Toral, Mr. Busch, Mr. Bincsik and others, is that the State agencies and individuals, the EPA, and the City knew that lead was in the drinking water by February 27, 2015 (Lee Ann Walters high lead test of 104 ppb). VNA's ability and right to put on a non-party at fault case against Mr. Peeler and others extends well beyond the time that VNA's work was completed in Flint and well beyond April 1, 2015.

Jim Campbell
Campbell Conroy & O'Neil
20 City Square, Suite 300
Boston, MA 02129

Office: (617) 241-3060
Cell: (617) 797-8880
Email: jmcampbell@campbell-trial-lawyers.com



Note : This e-mail contains information from the law firm of Campbell Conroy & O'Neil Professional Corporation that may be proprietary, confidential, or protected under the attorney- client privilege or work-product doctrine. This e-mail is intended for the use only of the named recipient. If you are not the intended recipient named above, you are strictly prohibited from reading, disclosing, copying, or distributing this e-mail or its contents, and from taking any action in reliance on the contents of this e-mail. If you received this e-mail in error, please delete this message and respond immediately by e-mail to the author or call 617-241-3000.

From: Leslie Calhoun <Leslie_Calhoun@mied.uscourts.gov>
Sent: Friday, July 8, 2022 4:44 PM
To: Corey Stern <CStern@levylaw.com>; Erickson, Philip <PErickson@plunkettcooney.com>
Cc: Moshe S. Maimon <MMaimon@levylaw.com>; Melanie Daly <mdaly@levylaw.com>; Mason, Wayne B. <wayne.mason@faegredrinker.com>; Kent, David C. <david.kent@faegredrinker.com>; Campbell, James M. <jmcampbell@Campbell-trial-lawyers.com>; Daniel L. Stein - Mayer Brown LLP (dstein@mayerbrown.com) <DStein@mayerbrown.com>; Dupre, Kristin M. <KDupre@Campbell-trial-lawyers.com>; Devine, Alaina N. <ADevine@Campbell-trial-lawyers.com>; Christian, Marcus A. <MChristian@mayerbrown.com>; Ter Molen, Mark <MTerMolen@mayerbrown.com>
Subject: RE: Peeler briefing inquiry

Dear Counsel:

Judge Levy would like to know from VNA the following related to Ms. Peeler: what negligence, if any, is alleged in the non-party at fault notice based on conduct before April 1, 2015? Please respond as soon as possible, but in any event by Monday at noon.

In response to Mr. Stern, please hold off on responses until we understand VNA's response to Judge Levy's question.

Thank you,
Leslie

Leslie Calhoun
she/her
Law Clerk to Hon. Judith E. Levy
U.S. District Court, Eastern District of Michigan
200 E. Liberty St. Suite 300
Ann Arbor, MI 48104
Chambers Main: (734) 887-4700

From: Corey Stern <CStern@levylaw.com>

Sent: Friday, July 8, 2022 3:47 PM

To: Erickson, Philip <PErickson@plunkettcooney.com>

Cc: Leslie Calhoun <Leslie_Calhoun@mied.uscourts.gov>; Moshe S. Maimon <MMaimon@levylaw.com>; Melanie Daly <mdaly@levylaw.com>; Mason, Wayne B. <wayne.mason@faegredrinker.com>; Kent, David C. <david.kent@faegredrinker.com>; Campbell, James M. <jmccampbell@campbell-trial-lawyers.com>; Daniel L. Stein - Mayer Brown LLP (<dstein@mayerbrown.com> <DStein@mayerbrown.com>); Dupre, Kristin M. <KDupre@campbell-trial-lawyers.com>; Devine, Alaina N. <ADevine@campbell-trial-lawyers.com>; Christian, Marcus A. <MChristian@mayerbrown.com>; Ter Molen, Mark <MTerMolen@mayerbrown.com>

Subject: Re: Peeler briefing inquiry

CAUTION - EXTERNAL:

Ms. Calhoun:

When would the Court like the parties' responses?

Thanks,

Corey M. Stern
Levy Konigsberg, LLP
605 Third Avenue, 33rd Floor
New York, New York 10158
(212)605-6298
(212)605-6290 (facsimile)
www.levylaw.com

From: Erickson, Philip <PErickson@plunkettcooney.com>

Date: Friday, July 8, 2022 at 1:49 PM

To: Corey Stern <CStern@levylaw.com>

Cc: Leslie Calhoun <Leslie_Calhoun@mied.uscourts.gov>, Moshe S. Maimon <MMaimon@levylaw.com>, Melanie Daly <mdaly@levylaw.com>, Mason, Wayne B. <wayne.mason@faegredrinker.com>, Kent, David C. <david.kent@faegredrinker.com>, Campbell, James M. <jmccampbell@campbell-trial-lawyers.com>, Daniel L. Stein - Mayer Brown LLP (<dstein@mayerbrown.com> <DStein@mayerbrown.com>), Dupre, Kristin M. <KDupre@campbell-trial-lawyers.com>, Devine, Alaina N. <ADevine@campbell-trial-lawyers.com>, Christian, Marcus A. <MChristian@mayerbrown.com>, Ter Molen, Mark <MTerMolen@mayerbrown.com>

Subject: Re: Peeler briefing inquiry

Yes, LAN will make a submission also

Philip A. Erickson

Plunkett Cooney
Attorneys & Counselors at Law
T 517.324.5608 C 517.230.1450

[bio](#) | [office](#) | [vcard](#) | [web](#) | [linkedin](#)

On Jul 8, 2022, at 12:07 PM, Corey Stern <CStern@levylaw.com> wrote:

[EXTERNAL]

Good morning Ms. Calhoun.

Yes, Plaintiffs intend to submit something in response to the motion .

Best,

Corey M. Stern
Levy Konigsberg, LLP
605 Third Avenue, 33rd Floor
New York, New York 10158
(212)605-6298
(212)605-6290 (facsimile)
www.levylaw.com

From: Leslie Calhoun <Leslie_Calhoun@mied.uscourts.gov>
Date: Friday, July 8, 2022 at 11:15 AM
To: Corey Stern <CStern@levylaw.com>, Moshe S. Maimon <MMaimon@levylaw.com>, Melanie Daly <mdaly@levylaw.com>, Mason, Wayne B. <wayne.mason@faegredrinker.com>, Kent, David C. <david.kent@faegredrinker.com>, Erickson, Philip <PErickson@plunkettcooney.com>, Campbell, James M. <jmcampbell@Campbell-trial-lawyers.com>, Daniel L. Stein - Mayer Brown LLP (<dstein@mayerbrown.com> <dstein@mayerbrown.com>), Dupre, Kristin M. <KDupre@campbell-trial-lawyers.com>, Devine, Alaina N. <ADevine@campbell-trial-lawyers.com>, Christian, Marcus A. <MChristian@mayerbrown.com>, Ter Molen, Mark <MTerMolen@mayerbrown.com>
Subject: Peeler briefing inquiry

Good morning:

Judge Levy would like to know whether anyone plans to submit briefing on the issue of Ms. Peeler's motion to quash. (We assume that we do not need VNA's position since VNA issued the subpoena.)

Please let me know.
Thank you,
Leslie

Leslie Calhoun
she/her
Law Clerk to Hon. Judith E. Levy
U.S. District Court, Eastern District of Michigan

200 E. Liberty St. Suite 300
Ann Arbor, MI 48104
Chambers Main: (734) 887-4700

CONFIDENTIALITY STATEMENT This e-mail transmission and any accompanying attachment contains information that is confidential, privileged and exempt from disclosure under applicable law. This e-mail is intended only for the use of the individual or entity to which it is addressed. If you receive this e-mail in error or you are not the intended recipient, do not read, copy or disseminate in any manner. If you are not the intended recipient, you may not disseminate, distribute or copy this communication and any disclosure, copying, distribution, use or taking any action in reliance on the contents of this information is strictly prohibited. If you received this communication in error, please reply to the message immediately by informing the sender that the message was misdirected and after advising the sender you must erase the message from your computer system and destroy any hard copies that may have been made. Thank you for your assistance in correcting this error.

CONFIDENTIALITY STATEMENT This e-mail transmission and any accompanying attachment contains information that is confidential, privileged and exempt from disclosure under applicable law. This e-mail is intended only for the use of the individual or entity to which it is addressed. If you receive this e-mail in error or you are not the intended recipient, do not read, copy or disseminate in any manner. If you are not the intended recipient, you may not disseminate, distribute or copy this communication and any disclosure, copying, distribution, use or taking any action in reliance on the contents of this information is strictly prohibited. If you received this communication in error, please reply to the message immediately by informing the sender that the message was misdirected and after advising the sender you must erase the message from your computer system and destroy any hard copies that may have been made. Thank you for your assistance in correcting this error.

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.